

STAFF REPORT

City of Lancaster

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03/13/12
MVB

Date: March 13, 2012

To: Mayor Parris and Council Members

From: Dave McEwen, City Attorney
Joseph M. Adams, Deputy City Attorney

Subject: **Ordinance Repealing Ordinance No. 934 and Chapter 5.50 of the Lancaster Municipal Code**

Recommendation:

Introduce **Ordinance No. 975**, repealing Ordinance No. 934 and Chapter 5.50 of the Lancaster Municipal Code relating to the employment of undocumented workers.

Fiscal Impact:

None

Background:

This matter was discussed at the City Council meeting on February 14, 2012. A motion was made and seconded to introduce Ordinance No. 975. The vote was: AYES: 2; NOES: 2; ABSTAIN: 0; ABSENT: 1, therefore, it did not pass and Council directed staff to bring this matter back to a future meeting of the City Council for consideration.

Ordinance No. 934 (“Ordinance No. 934”) was adopted on October 27, 2009, and added Chapter 5.50 to the Lancaster Municipal Code. Chapter 5.50 of the Lancaster Municipal Code generally prohibits an employer within the City from knowingly employing an undocumented worker and requires that on and after December 31, 2009, each employer within the City verify the employment eligibility of newly hired employees by using the E-Verify Program. The E-Verify Program is an electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, as amended, and is operated jointly by the United States Department of Homeland Security and the United States Social Security Administration.

On October 9, 2011, the Governor approved Assembly Bill 1236 (the “Employment Acceleration Act of 2011”), which prohibits the state, or a city, county, city and county, or special district, from requiring an employer to use an electronic employment verification system except when required by federal law or as a condition of receiving federal funds. The Employment Acceleration Act of 2011 specifically defines “electronic employment verification system” to include the E-Verify Program. Ordinance No. 934 and Chapter 5.50 of the Lancaster Municipal Code conflict with the provisions of the Employment Acceleration Act of 2011.

This Ordinance repeals Ordinance No. 934, including Chapter 5.50 of the Lancaster Municipal Code, in order to conform to the Employment Acceleration Act of 2011.

Attachment:

Ordinance No. 975